IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15906 of 1999

Between:

Smt.S.Bharathi Murthy, W/o. S.L.Murthy.
12-13-677/38, Soumya Nilayam,
Kimtee Colony, St.No.1, Tarnaka, Hyderabad.

..... PETITIONER

AND

1 Secretary to Govt., Municipal Administration and Urban Development,
Govt. of A.P., Secretariat,
Hyderabad.
2 Hyderabad Urban Development Authority, Rep. Commissioner.
1-8-323, Paigah Palace,
Police Lines, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ order or direction more in the nature of a Writ of Mandamus declaring the inaction of the respondent's regarding renewal of lease in respect of premises No.D-3, Huda Complex, Tarnaka, Hyderabad as per G.O.Ms.No.306 M.A., dated 15/11/1997 and action of the 2nd respondent in collecting the rents for the said premises contrary to the G.O.Ms.No.306 M.A., dated 15/11/1997 as arbitrary, illegal and consequently direct the 2nd respondent to renew the lease for a further period of 3 years from 24/01/1990 to 23/01/2001 in respect of the above said premises as per G.O.Ms.No.306 M.A., dated 15/11/1997, i.e., 50% concessional rentals and refund the balance amount, out of the amount paid by the petitioner in excess towards rentals for the said premises after adjusting the amount towards future rentals.

Counsel for the Petitioner: SMT.M.BHASKARA LAKSHMI

Counsel for the Respondents: MR.T.NIRANJAN REDDY

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.15906 OF 1999

ORDER:

The petitioner is a woman entrepreneur and member of Association of Lady Entrepreneurs. She was allotted premises No.D-31, first floor, HUDA complex, Tarnaka, Hyderabad, under registered agreement of lease, dated 24.1.1995 for three years. While granting the lease, the respondents gave concession of rent to the extent of 50% in terms of G.O.Ms.No.538, dated 3.10.1994. She also gave willingness for renewal of the lease for a further period of three years at enhanced rent, without availing the concession. Subsequently, having come to know about the further orders of the Government, issued in G.O.Ms.No.306, dated 15.11.1997 extending 50% concessional rent benefit, to the extended lease period also, she made representation to the respondents seeking concession under the said G.O. The same was rejected vide proceedings dated 19.5.1999 on the ground that the Association of Lady Entrepreneurs had informed the respondents to treat the petitioner as a direct allottee and as such, the petitioner was not entitled for 50% concession.

Referring to a representation from the association of women entrepreneurs, the Government had initially issued G.O.Ms.No.538, dated 3.10.1994 allotting shops in HUDA complex situated at Tarnaka, on lease basis for a period of three years at 50% concessional rent, as a special case, to the lady entrepreneurs who take up such ventures. Subsequently, G.O.Ms.No.306, dated 15.11.1997 was issued extending the lease period for further three years. However, prior to issuance of G.O.Ms.No.306, dated 15.11.1997, the petitioner gave willingness for extension of lease and agreed to the terms indicated in the lease deed. Further it is to be seen that G.O.Ms.No.306 extending for a further period came to be issued later, i.e., on 15.11.1997. As per the contents of G.O.306, the government extended the lease period by further three years by giving reference to G.O.Ms.No.538, dated 3.10.1994. In that view of the matter, whether the petitioner is entitle for the concession of the rent or not, is to be examined independently by the respondent authority. But a reading of the proceedings dated 19.5.1999 shows the rejection was solely based on the letter addressed by the association of women entrepreneurs. From a reading of the said G.Os, it is clear that no such sponsorship from the Association of Lady entrepreneurs is required to avail the benefit of concession extended by the government in G.O.Ms.No.538 and G.O.Ms.No.306 dated 15.11.1997.

In that view of the matter, I set aside the rejection order dated 19.5.1999 issued in letter No. D3/TC/EMC/HUDA/94 and direct the respondents to consider afresh and decide whether the petitioner was entitled for the concessional rent as per the G.O.Ms.No.306, dated 15.11.1997 for the extended period of lease, i.e., for the period beyond 23.1.1998. Further the respondents are directed to consider on its

own, the eligibility of the petitioner, without reference to any letter from the Association of Lady Entrepreneurs. Further, if it is ultimately found that the petitioner was entitled for the benefit concessional rent as per G.O.No.306, dated 15.11.1997, I direct the respondents to workout the rents paid by the petitioner and to take steps accordingly.

Subject to above direction, the writ petition is disposed of. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.24.02.2005.

Mdaa.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Secretary to Govt., Municipal Administration and Urban Development,
Govt. of A.P., Secretariat,
Hyderabad.
2 Hyderabad Urban Development Authority, Rep. Commissioner.
1-8-323, Paigah Palace,
Police Lines, Secunderabad.

3) 2 CD copies

4) 1 CC to SMT.BHASKARA LAKSHMI

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